

**JUN 25 2007**

Serial No.: 09/996,276

PD-201124

**REMARKS**

Claims 1-22 and 25-27 are now pending in the present application. Claims 1, 15, 17, 19, 22 and 26 have been amended. Reconsideration of the claims is respectfully requested. This response is submitted in response to the Office Action dated May 4, 2007.

**I. 35 U.S.C. § 112**

The Examiner objected to claims 1, 17, 19, 22 and 26 as it was unclear how basic configuration could be unique. Applicant notes that the basic configuration details for each communication device include an IP address, which is inherently unique, and thus the configuration details are unique. However, the claims have been amended to specify "basic configuration details" as described in the specification to address the Examiner's objection.

The Examiner objected to claims 1, 17, 19, 22 and 26 as it was unclear how a gateway serial number (unique device identifier) is associated with a unique user. As described at p. 13, l. 9-17, in an embodiment the manufacturer of the IP communication device associates the user (purchaser) with the serial number at the point of issuance of the communication device and provides the information to the internet service provider. The ISP generates a configuration table of serial numbers, their associated users and the basic configuration details. These steps are more particularly recited in claim 26 as previously presented. The steps of associating the unique device identifier with a user prior to configuration and storing this information in a server is also recited in claims 15 and 22 as now amended. Claims 1, 17 and 19 require the unique device identifier be associated with the user prior at the server to configuration but are sufficiently broad to cover alternate methods of making this association. These claims are directed at the IP communication device, instructions thereof and method of automatic configuration at the user end.

The Examiner objected to claims 1 and 26 as providing insufficient antecedent basis for the limitation "itself". Claims 1 and 26 have been amended to overcome this objection.

**II. 35 U.S.C. § 102**

Claims 1-8, 11-22 and 25-27 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Beser (US Patent 6,049,826). The Examiner directs the Applicant to Fig 5 and Fig. 7A-7B and col. 13, lines 25 to col. 17, line 50 of Beser as support for the rejection. In the

Serial No.: 09/996,276

PD-201124

"Response to Arguments" the Examiner states that "Beser teaches request contains gateway/relay agent IP address (See Fig. 6, 130, Column 13, lines 55-65, Table 4). This IP address is interpreted to be bi-directional IP communication device identifier. Therefore teaching of Beser meets the claimed limitation."

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102(b) only if every element of a claimed invention is found in a single prior art reference.

To summarize previously presented remarks, Beser is a method to handle authentication for an ISP's configuration fileserver for routers that already have IP addresses. In Beser, a normal DHCP interaction is performed by a cable modem and then a tftp (trivial file transfer protocol) login is performed at an ISP's server where the authentication and specification of which configuration file is the reverse DNS lookup of the just issued IP address. Beser does not anticipate the claimed invention.

More specifically, Beser's gateway/relay agent IP address "GIADDR" cannot be properly interpreted to be the unique device identifier as recited in Applicant's claims. At Col. 15, lines 55-57 Beser states "DHCP 66 giaddr-field 130 (fig. 6) includes the downstream channel IP address 80 of CMTS 12 obtained in TSI message 76 (e.g., the first message field from step 96 of method 92)". Because the giaddr-field is obtained in a TSI message it is not and can not be "stored in the IP communication device and associated with a unique user at the server prior to configuration". Furthermore at Col 15, lines 62-67 Beser states "If DHCP 66 giaddr-field 130 (FIG. 6) in a DHCP message from a DHCP 66 client is non-zero, the DHCP 66 server sends any return messages to a DHCP 66 server port on a DHCP 66 relaying agent (e.g., CMTS 12) whose address appears in DHCP 66 giaddr-field 130)" and at Col. 16, line 1-2 states "In a typical DHCP 66 discovery process the DHCP 66 giaddr-field 130 is set to zero". As used by Beser, the giaddr-field may be zero or non zero, so the giaddr-field is "not unique" and is not and can not be "used to assign the basic configuration details to the unique user".

In addition, Beser does not teach the steps of associating a user with a unique device identifier that is stored in the IP communication device and storing the unique device identifier, associated user and the user's basic configuration details in a server as is claimed in claims 15, 22 and 26.

Claims 1, 17, 19, 22 and 26 include features that are not disclosed in Beser, therefore this 102 rejection based upon Beser is not valid. Applicant respectfully requests withdrawal of

Serial No.: 09/996,276

PD-201124

this rejection with respect independent claims 1, 17, 19, 22 and 26 and with respect to dependent claims 2-16, 18, 20-21, 25 and 27.

**III. 35 U.S.C. § 103**

Claims 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bescr in view of Huotari (US Pub No. 2002/0004935). The rejections of claim 9-10 are overcome in view of the arguments provided above.

Serial No.: 09/996,276

JUN 25 2007 PD-201124

**Conclusion**

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

  
Georgann S. Grunebach, Registration No. 33,179  
Attorney for Applicants

The DIRECTV Group, Inc.  
CA / LA1 / A109  
2230 E. Imperial Highway  
P. O. Box 956  
El Segundo, CA 90245-0956

Telephone No. (310) 964-4615